

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GREAT NORTHERN INSURANCE COMPANY,
As Subrogee of Jon and Abby Winkelreid
Plaintiff(s)

VS.

FERGUSON & SHAMANIAN ARCHITECTS, LLP
and W.B. MARDEN COMPANY
Defendant(s)

Civil Action No.
05CV10165-RGS

AND

FERGUSON & SHAMANIAN ARCHITECTS, LLP
Third Party Plaintiff

VS.

THIRTY ACRE WOOD, LLC
Third Party Defendant

THIRTY ACRE WOOD, LLC'S ANSWER TO RULE 14(a) COMPLAINT OF PLAINTIFF

Answering the Plaintiff's Rule 14(a) Complaint the Third Party Defendant, admits, denies, and alleges as follows:

1. Thirty Acre Wood, LLC admits that a Complaint was filed against Ferguson & Shamanian Architects, LLP and W. B. Marden Company. It is unable to admit or deny the date of January 27, 2005.
2. Thirty Acre Wood, LLC admits the allegations in this paragraph.
3. Thirty Acre Wood, LLC admits that Ferguson & Shamanian Architects, LLP filed a Third Party Complaint against it; Thirty Acre Wood, LLC is unable to admit or deny the date.
4. Thirty Acre Wood, LLC admits the allegations in this paragraph.
5. Thirty Acre Wood, LLC denies the allegations in this paragraph.

FIRST DEFENSE

The Plaintiff is estopped from asserting its claims and/or recovering on its claims due to its own acts or failure to act and/or the acts or failure to act of the homeowners

SECOND DEFENSE

If the Plaintiff suffered any injury or damage, the Third Party Defendant was not the proximate cause of such injury or damage.

THIRD DEFENSE

If the Plaintiff suffered any injury or damage, then the injury or damage was caused by the Plaintiff itself or by the homeowners or by persons or things unknown to the Third Party Defendant and over whom the Third Party Defendant had no control.

FOURTH DEFENSE

And further Answering, the Third Party Defendant states that the intervening act of a third party or an act of God was the proximate cause of the alleged damage to the Plaintiff.

FIFTH DEFENSE

And further Answering, the Third Party Defendant states that the Plaintiff and/or homeowners have failed to act reasonably to mitigate the Plaintiff's damages.

SIXTH DEFENSE

And further Answering, the Third Party Defendant says that the Plaintiff is not entitled to maintain this action for the reason that at the time set forth in the Complaint the Plaintiff and/or homeowners were not in the exercise of due care and the damages alleged were caused in whole or in part by the negligence of the Plaintiff and/or homeowners to a degree greater than any alleged negligence of the Third Party Defendant.


SEVENTH DEFENSE

And further Answering, the Third Party Defendant states that if the Plaintiff suffered the injuries or damages as alleged, such injuries or damages were caused by someone for whose conduct the Third Party Defendant was not and is not legally responsible.

EIGHTH DEFENSE

And further Answering, the Third Party Defendant says that the negligence of the Plaintiff and/or homeowners contributed in some degree to the cause of the alleged damages and loss, wherefore, the damages, if any, awarded to the Plaintiff should be diminished and reduced in accordance with the law.

THE THIRD PARTY DEFENDANT CLAIMS A TRIAL BY JURY ON ALL ISSUES

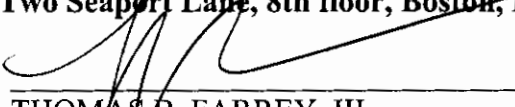


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CERTIFICATE OF SERVICE

I, THOMAS B. FARREY, III AND/OR FRANK S. PUCCIO, JR., hereby certify that I have this date mailed a copy of the within document, by first class mail postage prepaid, to **Patrick L. Loftus, III, Esquire, Law Office of Patrick J. Loftus, III, 9 Park Street, Suite 500, Boston, MA 02108; Robert M. Cozen, Esquire, Cozen & O'Connor, 1900 Market Street, Philadelphia, PA 19103; Kathleen Brink, Esquire, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1 Financial Center, Boston, MA 02111; Jay S. Gregory, Esquire, Donovan Hatem LLP, Two Seaport Lane, 8th floor, Boston, MA 02210.**

DATED: December 1, 2005



THOMAS B. FARREY, III
FRANK S. PUCCIO, JR.

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